

MEMO ENDORSED

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March 26, 2024

VIA ECF

Honorable Nelson Stephen Roman
United States Magistrate Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Katarzyna Cichon v. New Roc BLT 1, LLC et al.*
Case No. 7:23-cv-11129 (NSR)

Dear Judge Roman:

This office represents Defendant Texas Roadhouse Holdings, LLC in the above-referenced matter (Dkt. No. 11). We write, with the consent of Plaintiff's counsel, to: (1) advise the Court that this office now represents Defendant New Roc BLT 1, LLC ("New Roc") as well in the action (Dkt. No. 23); and (2) respectfully request that the Clerk's Certificate of Default be vacated or otherwise set aside.

Due to an administrative error/miscommunication, Defendant New Roc failed to timely respond to the Amended Complaint. The undersigned discussed the error to Plaintiff's counsel and Plaintiff's counsel has consented to the request that the Clerk's Certificate of Default be vacated. In an effort to lessen any impact this may have on the instant action, New Roc has already filed their corporate disclosure statement (Dkt. 24) and response to the Amended Complaint (Dkt. No. 25).

We thank the Court for its consideration of our request and apologize for any inconvenience this may have caused.

Respectfully submitted,

/s/ Matthew R. Capobianco

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Defendant New Roc BLT 1, LLC's ("New Roc") request is GRANTED. The Clerk of the Court is directed to vacate the Certificate of Default entered against New Roc at ECF No. 21. The Clerk of the Court is further directed to terminate the motion at ECF No. 26.

Dated: March 27, 2024
White Plains, NY

SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE